

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

GARY BRICE MCBAY

PLAINTIFF

VERSUS

CAUSE NO.: 1:07cv1205-LG-RHW

HARRISON COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

**DEFENDANT GEORGE PAYNE'S RESPONSES
TO PLAINTIFF'S REQUESTS FOR ADMISSIONS**

COMES NOW Defendant George Payne, Jr., in his Official Capacity, by and through his attorneys, Dukes, Dukes, Keating & Faneca, P.A., pursuant to the Federal Rules of Civil Procedure, and produces this his Responses to Plaintiff's Request for Admissions, as follows, to wit:

Defendant reserves his right to supplement these Responses as investigation and discovery continue.

REQUESTS FOR ADMISSIONS

REQUEST NO. 1: With reference to **Exhibit "A"** attached hereto, admit that the persons listed as being on duty on November 6, 2005 were present at the Harrison County Adult Detention Center on November 6, 2005.

RESPONSE: According to the Officer's time sheets, it is admitted that each person identified on the Post Assignment Sheet for shift 1900-0200, for November 6, 2005, did work and was present at the Harrison County Adult Detention. Please see the individual time sheets attached cumulatively as **Exhibit "1"**.

REQUEST NO. 2: With reference to **Exhibit "A"** attached hereto, admit that the persons listed as off duty on November 6, 2005 were not present at the Harrison County Adult Detention Center on November 6, 2005.

RESPONSE: According to the Officer's time sheets, it is admitted that each person listed under "Annual Leave/Sick Leave" and "Day Off" on the Post Assignment Sheet, Shift 1900-0200, dated November 6, 2005, did not work. However, to the extent Plaintiff is seeking an answer as to whether those individuals were even present at the Harrison County Adult Detention Center on the date in question, Defendant Payne is without sufficient information or belief to either admit or deny such request. Please see the individual time sheets attached cumulatively as **Exhibit "2"**.

RESPECTFULLY SUBMITTED, this the 18th day of September, 2009.

GEORGE PAYNE, JR., DEFENDANT

BY: DUKES, DUKES, KEATING & FANECAL, P.A.

BY: s/Cy Faneca
CY FANECAL

Cy Faneca *HB*

Cy Faneca, MSB #5128
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CERTIFICATE OF SERVICE

I, CY FANECA, do hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Counsel for Plaintiff

Robert G. Harenski
P.O. Box 4961
Biloxi, MS 39535

Brown Buchanan, PA
796 Vieux Marche, Suite 1
Biloxi, MS 39530

Counsel for Harrison County:

Karen Jobe Young
MEADOWS LAW FIRM
P. O. Box 1076
Gulfport, MS 39502

1.

This, the 18th day of September, 2009.

s/Cy Faneca
CY FANECA

Cy Faneca *1/13*

Harri n County Adult Detention Facilit

George Payne, Jr., Sheriff

Post Assignment

Shift: 1900-0700

Date: 11-06-05

A Tower	Booking	A Block Headcount
Barnes #215	Sgt. Mathis #157	Lamey #175
	Rhodes #192	
A Floor	Thompson #224	
Lamey #175	Windham #226	
	Booking Control	B Block Headcount
	Stover #308	F.T.O. Foster #230
B Tower		
Kocke #576	Perimeter	
	Jaspers #199	
B Floor		C Block Headcount
F.T.O. Foster #230	Medical Security	F.T.O. Priest #288
	Boney #208	
Intake Watch B/F	Front Desk	
Greer #191	Beal #264	D Block Headcount
Lockdown Unit B/D	Williams #561	Pettway #225
	Tate #735 P/T	
Juvenile Unit B/C	Receptionist	F.T.O. Allen #243
Cristaldi #249	Glacier #734 P/T	
C Tower		Officers in Training
Nicholson #262	Shift Supervisor	Drongowski #247 Medical Watch
	Sgt. Thomas #160	Pettway #225 D - Floor
C Floor	Secondary Supervisor	
F.T.O. Priest #288		
	Annual/Sick Leave	Day Off
D Tower	Sgt. Collins #153 A/L	Sgt. Caldwell #152
Calentano #578	Heiken #254 Called In Sick	Sgt. Leonard #156
		F.T.O. Hester #252
D Floor		Bennett #190
Pettway #225		Alfonso #259
		Tippetts #257
F.T.O. Allen #243		Richards #171
Medical Watch B/F		Moore #282
Drongowski #247	Response Team	Rankin #174
F.T.O. Blankinchip #303	Sgt. Thomas #160	Lacour #231
Central Control	F.T.O. Priest #288	McLain #255
Cornett #204	F.T.O. Allen #243	Roberson #326
	Pettway #225	Hubbard #241
Rover	Payne #317	Lacson #580
Payne #317		White #562
		Spivey #553
Hall Escort		Adamson #197 P/T
		Barnes #183
		Lorenzo #278
		Teel #329
		Stolze #251

Security Personnel on duty: 24

Part Time Personnel on duty: 02

Total Personnel on duty: 26

Barrington No. 3205

EXHIBIT

"A"

Name: Ryan Teel #329 01/15/2005

APPROVED: I hereby certify these hours as recorded are true and correct

Area of Assignment: Corrections

Reporting Period: October 31st, 05 November 13th, 05
 BEGINNING ENDING

IMMEDIATE SUPERVISOR

REVIEWED: Riley
 DIVISION SUPERVISOR

RECORDED: _____
 TIME CLERK

I hereby certify these hours, as recorded, are true and correct:

RT #329
 EMPLOYEE'S SIGNATURE

DATE	DAY	WORK CODE	TIME IN	MEAL IN OUT	TIME OUT	TIME IN	TIME OUT	TOTAL HRS. WORKED
10-31	1/Mon	D						
11-01	2/Tues	D						
11-02	3/Wed	W	1900		0715			12.25
11-03	4/Thur	W	1900		0730			12.50
11-04	5/Fri	W	1900		0730			12.50
11-05	6/Sat	W	1900		0400			9.0
11-06	7/Sun	D						
11-07	8/Mon	D						
11-08	9/Tues	D						
11-09	10/Wed	W	1900		0715			12.25
11-10	11/Thur	W	1900		0730			12.50
11-11	12/Fri	W	1900		0730			12.50
11-12	13/Sat	W	1900		0745			12.75
11-13	14/Sun	D						

TOTALS		
CODE	HOURS	DAYS
W	96.25	8
D	0.0	6
A		
S		
X		
U		
H		
M		
C		

CODE: W-Worked
 D-Day Off
 A-Personal Leave
 S-Major Medical Leave*
 X-Administrative Leave
 U-Unexcused Absence
 H-Holiday
 M-Military Leave
 C-Compensatory

*Major Medical Leave is granted ONLY after one (1) day of Personal Leave is used. The fourth day of major medical leave must be accompanied by a doctor's certificate.

SUMMARY OF HOURS

Hrs. Enf. _____
 Hrs. Trng. _____
 Hrs. Crt. _____

FOR PERSONAL USE ONLY

HRS. WORKED..... 96.25
 FLSA..... 86
10.25
 X 1.5
 Compensatory
 Earned..... 15.38

86 Reg.
 8 Ho
 10.25 OT
 11.5
 15.38

11/30/05